

EXHIBIT H8
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January 26, 2011

HB279: Providing disaster and emergency services for tribal governments.

Introduced by F. Smith

The Federal government created the reservation system and has granted numerous tribes sovereign nation status over the years. In doing so, it has created a host of problems. There are gray areas in the relationships between tribal and State governments, State agency jurisdiction and responsibilities on reservations, rights of enrolled tribal members and non-members on a reservation, and differences in what taxes and fees are paid by tribal and non-tribal residents on a reservation.

For example, a Department of Revenue (DOR) employee (Sandi) told me that enrolled tribal members who live and work on a reservation do not pay State income taxes on the income derived from work on a reservation. They do pay State income taxes on any income that is earned off the reservation.

Another DOR employee (Linda Sather) told me that while property taxes are paid on fee simple lands owned by individual tribal members, property taxes are not paid on tribal lands held in trust. She declined to provide the number of acres of land held in trust, but there are acreage numbers in the Office of Public Instruction's (OPI) April 2009 Indian Education for All 'Montana Indians: Their History and Location'.
<http://opi.mt.gov/pdf/indianed/resources/MTIndiansHistoryLocation.pdf>

A spreadsheet with those numbers will be provided to the committee secretary. If my math and interpretation of the numbers are correct, there are 2.4 million acres on which property taxes are not paid.

A Roosevelt County Treasurer's office employee (Renee) told me that motor vehicles owned by enrolled tribal members and operated solely within the boundaries of a reservation are not required to have current registrations. They are required to do so if driven off the reservation.

The Montana Fish, Wildlife, and Parks (FWP) does not enforce State fish and game laws on the reservation (at least on the Fort Peck reservation), and the State court system does not have jurisdiction in matters involving tribal members.

Since tribal governments and enrolled tribal members do not fully participate in State funding as I've described, and since the Federal government has created and upheld legislation limiting State involvement on reservations, the Federal government should continue to handle matters on those reservations.

I oppose HB279 and ask the members of the committee to vote NO on this bill.

Thank you,
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MT OPI April 2009 Indian Education for All: Montana Indians Their History and Location

| Reservation | Total acres | Indiv Allot | Indiv Trust | Tribally Owned | Tribal Trust | Tribal fee | Off Res Tribal fee | Fee | Water | Fed | State | Gov | Fee title State land | Non Indian | Simple or State | Town |
|-------------|----------------|----------------|----------------|-------------------|-----------------|---------------|-----------------------|---------|--------|--------|--------|-------|-------------------------|---------------|--------------------|------|
| Blackfoot | 1,525,712 | 701,816 | | 311,175 | | | | | | | | 1,654 | 511,067 | | | |
| Crow | 2,464,914 | 1,116,406 | | 404,172 | | | | | | | | 1,135 | 709,167 | | | |
| Flathead | 1,243,000 | | 39,941 | | 613,274 | 58,729 | 4,249 | 466,481 | 76,159 | 22,466 | 40,743 | | | | | 346 |
| Ft Belknap | 645,576 | 406,533 | | 210,954 | | | | | | | | 592 | 19,000 | 9,000 | | |
| Ft Peck | 2,093,124 | 516,092 | | 413,020 | | | | | | | | | | | 1,164,012 | |
| N Cheyenne | 444,775 | 113,278 | | 326,547 | | | | | | | | | | | 4,823 | |
| Rocky Boy | 122,259 | | | 122,259 | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| Totals | 8,539,360 | 2,854,125 | 39,941 | 1,788,127 | 613,274 | 58,729 | 4,249 | 466,481 | 76,159 | 22,466 | 40,743 | 3,381 | 1,239,234 | 9,000 | 1,168,835 | 346 |

The individual acres do not add up to the total acres, but the figures shown were presented in the document.